

## **REMARKS**

### **Allowable Subject Matter**

Applicants gratefully acknowledge the Examiner's indication that claims 2, 4, 7, and 8 recite allowable subject matter, and that claim 22 is allowed.

### **Rejections under 35 USC §102(b) and 35 USC §103(a) in view of Goto et al. (US 5,979,182)**

Claims 1, 3, 5, 6, 9-11, 15, 16 and 19-21 are again rejected as allegedly being anticipated in view of the Goto et al. (US 5,979,182). Also, claims 12-14, 17 and 18 are again rejected as allegedly being obvious in view of Goto et al. (US 5,979,182). These rejections are respectfully traversed.

In the Reply filed August 23, 2006, applicants argued that the assertion made in the rejection that Figure 6 of Goto et al. (US '182) showed three separate flow areas for fluids which do **not** extend across the entire width of the heat exchanger was incorrect. Specifically, applicants argued that heat exchange units, A<sub>1</sub>-A<sub>4</sub> (see Figures 8A-8D), extended across the entire width of the heat exchanger.

In the recent Office Action, the Examiner acknowledged that fluids do pass through the entire dimension of the heat exchanger that is perpendicular to its length. But, the Examiner argues that only length is expressly defined in the rejected claims. Therefore, the Examiner asserts that which of the other two dimensions is width and which is depth is arbitrary. Applicants disagree.


The terms depth and width as recited in applicants' claims are not arbitrary directions since these terms are expressly defined in applicants' specification. As set forth at page 4, lines 3-14 of the specification. The extension of the heat exchanger core in the direction perpendicular to the separating plates is defined as the depth of the heat exchange core. On the other hand, the width is defined as the extension of the heat exchanger core in the direction in the plane of the separating plates and perpendicular to the main flow direction in the heat exchange passages. It is impermissible to assign arbitrary definitions to terms that are expressly defined in the specification.

Moreover, the dimension that applicants have designated as width is also the same dimension that Goto et al. designate as width. See column 8, lines 42-44 where it is sated that Figures 7 and 8 of Goto et al. show distributors that distributed fluid in the **width** direction. This is the dimension which is in the direction of the plane of the separating plates and is perpendicular to the main flow direction in the heat exchange passages.

In view of the above remarks, it is respectfully submitted that US '182 fails to anticipate applicants' claimed invention as recited in claims 1, 3, 5, 6, 9-11, 15, 16 and 19-21, and fails to render obvious applicants' claimed invention as recited in claims 12-14, 17 and 18. Withdrawal of the rejections under 35 USC §102(b) and 35 USC §103(a) is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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